

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBIN M. LEE,

* * *

Plaintiff.

2:12-cv-00077-RCJ -VCF

V.

ORDER

DONALD J. TRUMP, *et al.*,

Defendant.

ORDER

Before the court are plaintiff Robin M. Lee's Motion That All Proceedings Be In Publications (#9), "Motion That Following Orders Prepared Be Granted To Inc. A Minimum \$10 Billion Default Judgment" (#13), and Motion For Emergency Situation Hearing (#14).

Background

Plaintiff Lee's complaint was filed on January 17, 2012. (#1). Summons were issued on the same day. (#3). On February 22, 2012, plaintiff filed a motion for default judgment. (#8). On April 23, 2012, the court denied plaintiff's motion for default judgment, and ordered that the clerk of the court shall "re-issue [3] Summons and shall mail newly issued Summons to Plaintiff as to the following parties: Trump Corporation and Donald J. Trump." (#11). The court also ordered that plaintiff "shall have to and including 120 days from the date the summons are issued within which to serve Plaintiff's Complaint on Defendants in full compliance with the requirements of Rule 4 of the Federal Rules of Civil Procedure." *Id.* On the same day, the clerk issued summon as to Donald J. Trump and Trump Corporation. (#12).

Relevant Law

Pursuant to Fed. R. Civ. P. 4(a), a summons must be directed to the defendant, state the time within which the defendant must appear and defend, and notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the

1 complaint. Rule 4(c)(1) provides that “[a] summons must be served with a copy of the complaint,” and
 2 that the “plaintiff is responsible for having the summons and complaint served within the time allowed
 3 by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Fed. R. Civ. P.
 4(c)(1). Once a defendant has been served with a summons and a copy of the complaint, proof of
 5 service must be made to the court. Fed. R. Civ. P. 4(l)(1). If a defendant is not served within 120 days
 6 after the complaint is filed, the court may dismiss the action. Fed. R. Civ. P. 4(m).

7 Parties may file motions requesting a court order. Fed. R. Civ. P. 7(b). Local Rule 7-2(a)
 8 provides that “[a]ll motions, unless made during a hearing or trial, shall be in writing and served on all
 9 other parties who have appeared.”

10 **Discussion**

11 Since the summons (#12) were issued on April 23, 2012, plaintiff has until August 21, 2012, to
 12 provide proof of service of the summons and complaint. (#11). To date, no proof of service has been
 13 filed. As defendants have not been served with a summons and a copy of the complaint or a copy of
 14 the plaintiff’s motions (#9, #13, and #14), defendants have not been given an opportunity to appear in
 15 the action, to defend against the allegations in the complaint (#1), or to respond to the plaintiff’s pending
 16 motions (#9, #13, and #14). *See* Fed. R. Civ. P. 4(a), (c)(1), and (l)(1); LR 7-2(a). The court will deny
 17 the pending motions (#9, #13, and #14) *without prejudice*, with leave for plaintiff to renew the motions
 18 *after* the defendants have been properly served and *after* plaintiff has filed proof of service with the
 19 court.

20 Accordingly, and for good cause shown,

21 IT IS ORDERED that Robin M. Lee’s Motion That All Proceedings Be In Publications (#9),
 22 “Motion That Following Orders Prepared Be Granted To Inc. A Minimum \$10 Billion Default
 23 Judgment” (#13), and Motion For Emergency Situation Hearing (#14) are DENIED *without prejudice*.
 24 Plaintiff may renew these motions *after* defendants have been properly served with a summons and a
 25 copy of the complaint and *after* plaintiff has filed proof of service with the court. Fed. R. Civ. P. 4(a),

1 (c)(1), and (l)(1).

2 DATED this 23rd day of May, 2012.

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4 **CAM FERENBACH**
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UNITED STATES MAGISTRATE JUDGE